

Application of	)	
	)	
EASTERN AIRLINES, LLC	)	Docket DOT-OST-2019-0185
	)	Docket DOT-OST-2007-27790
For a certificate of public convenience	)	
and necessity under 49 U.S.C. § 41102 and	)	
renewal of an exemption pursuant to	)	
49 U.S.C. § 40109	)	
	)	

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December 22, 2021

**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
WASHINGTON, D.C.**

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**Application of**

**EASTERN AIRLINES, LLC**

**For a certificate of public convenience  
and necessity under 49 U.S.C. § 41102 and  
renewal of an exemption pursuant to  
49 U.S.C. § 40109**

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**Docket DOT-OST-2019-0185  
Docket DOT-OST-2007-27790**

**APPLICATION OF EASTERN AIRLINES, LLC  
FOR RENEWAL OF AN EXEMPTION**

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Pursuant to 49 U.S.C. § 41102 and Subpart B of the Department of Transportation’s Rules of Practice (14 C.F.R. § 302), Eastern Airlines, LLC (“Eastern”) applies for a renewal of its exemption in these Dockets.<sup>1</sup> Eastern requests that this exemption to provide scheduled foreign air transportation of persons, property, and mail between the United States and all countries with which the United States has an open-skies (or MALIAT) agreement being applied, as well as any country with which the United States may in the future enter into such an agreement, once the agreement is applied to both countries, be granted for an additional two-year period or until 90 days following grant of Eastern’s pending application for an open skies certificate.

In support of this application, Eastern states as follows:

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<sup>1</sup> Since Eastern’s current authority granted by Notice of Action Taken on March 3, 2020 is set to expire on March 3, 2022, Eastern requests that the Department treat this application for renewal as timely under 5 U.S.C. § 558 and 14 CFR Part 377.

1. Eastern is a limited liability company organized and existing under and pursuant to the laws of Nevada. Eastern's principal place of business is 550 E. Swedesford Road, Suite #210, Wayne, PA 19087.

2. Eastern is a Low Cost Carrier (LCC), and importantly, the only U.S. LLC internationally operating a fleet of widebody B-767 aircraft. Eastern is a citizen of the United States within the meaning of 49 U.S.C. § 40102 (a)(15), and is fit, willing and able to continue to perform the requested foreign air transportation.<sup>2</sup> In addition to providing low fare service in markets under its current open skies exemption, Eastern holds Certificate and Exemption authority to provide scheduled interstate and foreign air transportation to various destinations, including *e.g.* Mexico, Ecuador and Argentina.<sup>3</sup> There have been no material changes within the Company that would affect prior fitness findings.

3. Eastern plans to continue to offer high quality low-fare non-stop service on longer international routes at affordable prices primarily for vacationers or visiting friends and family travelers. Eastern is privately owned with a strong management team and is well financed.

4. Specifically, Eastern requests that the Department renew its exemption to engage in scheduled foreign air transportation of persons, property, and mail as set forth in the initial paragraph of this application.

5. Eastern's service will continue to enhance competition in multiple markets open skies markets, which will greatly benefit consumers and stimulate additional personal and business

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<sup>2</sup> Eastern requests that the Department take official notice of the financial information Eastern provides to the Department on a regular basis.

<sup>3</sup>See Order 2019-5-6, May 6, 2019 Order 2020-10-11, October 21, 2020, Order 2021-11-25, November 29, 2019, Dockets DOT-OST-2019-0029 and DOT-OST-2021-0057; Notice of Action Taken October 14, 2020.

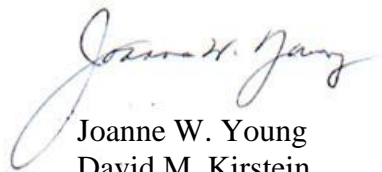
travel. Eastern's continued services to open skies (or MALIAT) countries will advance the public interest.

6. Eastern will continue to abide by all the conditions and limitations the Department attaches to exemption authorities.

7. Eastern's maximum annual expected fuel burn is well below the ten million gallon threshold, so approval of Eastern's renewal application does not qualify as a major regulatory action under Part 313.

WHEREFORE, for the foregoing reasons, Eastern respectfully requests that the Department renew Eastern's exemption authority to engage in scheduled foreign air transportation of persons, property, and mail between the United States and open-skies (or MALIAT) partners, as discussed herein. Eastern further requests any additional relief the Department may deem necessary.

Respectfully submitted,



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December 22, 2021

## **CERTIFICATE OF SERVICE**

I hereby certify that, on December 22, 2021, I served by email a copy of the foregoing on the following persons:

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/s/ Philip C. Zager

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